

# **EXHIBIT “D”**

1 UNITED STATES DISTRICT COURT  
 2 FOR THE DISTRICT OF MASSACHUSETTS

3 -----X  
 4 IN RE: PHARMACEUTICAL INDUSTRY )  
 5 AVERAGE WHOLESALE PRICE ) MDL DOCKET NO.  
 6 LITIGATION ) CIVIL ACTION  
 7 -----) 01CV12257-PBS

8 THIS DOCUMENT RELATES TO: )

9 ALL ACTIONS )

10 -----)

11 DEPOSITION OF DAVID R. AARONSON

12 VOLUME II

13 (Taken on behalf of the Defendants)

14 Charlotte, North Carolina

15 March 31, 2006

16  
 17 Deposition of DAVID R. AARONSON, taken on  
 18 behalf of the Defendants, at the offices of Huseby,  
 19 Inc., 1230 West Morehead Street, Charlotte, North  
 20 Carolina, on the 31st day of March, 2006, at  
 21 10:08 a.m., before Christine A. Taylor, Court  
 22 Reporter and Notary Public.

1 MS. GEISLER: Yes.

2 MR. GEORGE: The document speaks for  
3 itself. Objection.

4 BY MS. GEISLER:

5 Q. "Deductible and coinsurance"?

6 A. I see it.

7 Q. And "you may be billed"?

8 A. Yes.

9 Q. Now do you see the first line there marked  
10 "pharmacy"?

11 MR. GEORGE: You mean across from the  
12 date, the date range?

13 THE WITNESS: Yes.

14 BY MS. GEISLER:

15 Q. It says amount charged [REDACTED]?

16 A. Yes.

17 Q. Looking across that row where it says,  
18 "you may be billed," can you tell me what amount is  
19 in that column there?

20 MR. GEORGE: Objection. You can answer.

21 THE WITNESS: [REDACTED]

22 BY MS. GEISLER:

1 Q. It's a [REDACTED] isn't it, Reverend Aaronson?

2 A. [REDACTED]

3 MR. GEORGE: Objection.

4 BY MS. GEISLER:

5 Q. So for this particular item Medicare is  
6 telling you that you paid [REDACTED] for these pharmacy  
7 charges?

8 MR. GEORGE: Objection. Document speaks  
9 for itself.

10 THE WITNESS: Yes.

11 BY MS. GEISLER:

12 Q. Now do you see that little F next to that  
13 line?

14 A. Yes.

15 Q. If you refer now to page 048 --

16 A. Yes.

17 Q. -- that's the note section. Can you read  
18 to me what it says next to the letter F?

19 A. "Payment, is included in another service  
20 received on the same day."

21 Q. Going back to page 046, there's another  
22 pharmacy line there, the second one?

1 A. Yes.

2 Q. It says amount charged [REDACTED]?

3 MR. GEORGE: Objection. Is that a  
4 question?

5 BY MS. GEISLER:

6 Q. Is that correct?

7 A. I see it.

8 Q. And what is the amount that you were  
9 billed for those pharmacy charges?

10 A. None. [REDACTED]

11 MR. GEORGE: Are you done with that  
12 document?

13 MS. GEISLER: Yes.

14 Could you mark that please?

15 (Exhibit Aaronson V2 003 marked for  
16 identification.)

17 BY MS. GEISLER:

18 Q. Okay. Reverend, can you tell me what this  
19 document is?

20 A. It's a listing of treatment for Sue during  
21 the month of July.

22 Q. And who created the document?

1 MR. GEORGE: Objection. If you know.

2 THE WITNESS: It's a billing from

3 [REDACTED] through Medicare.

4 BY MS. GEISLER:

5 Q. And did this document come from the Center  
6 for Medicare & Medicaid Services?

7 MR. GEORGE: Objection. If you know.

8 THE WITNESS: Did it come from --

9 BY MS. GEISLER:

10 Q. CMS, from Medicare?

11 A. Yes.

12 Q. And it was mailed to you; correct?

13 MR. GEORGE: Objection.

14 THE WITNESS: Yes.

15 MR. GEORGE: Document speaks for itself.

16 BY MS. GEISLER:

17 Q. Can you look please at the first line  
18 there in side the box marked pharmacy?

19 A. Yes.

20 MR. GEORGE: The box meaning "Part B  
21 Medical Insurance"?

22 MS. GEISLER: Yes.

*July*

1 BY MS. GEISLER:

2 Q. And the amount charged is [REDACTED] do you  
3 see that?

4 A. Yes.

5 MR. GEORGE: Objection.

6 BY MS. GEISLER:

7 Q. And under the "you may be billed" column,  
8 can you tell me what's there?

9 MR. GEORGE: Objection.

10 THE WITNESS: [REDACTED]

11 BY MS. GEISLER:

12 Q. And then the little letter next to that is  
13 letter E. Can you please turn to page 0088?

14 A. Yes.

15 Q. And next to the letter E, can you tell me  
16 what that says?

17 A. "Payment is included in another service  
18 received on the same day."

19 Q. Thank you. Okay. Reverend, when I use  
20 the word "provider" in this deposition, I'm going to  
21 use that as shorthand for anyone who provided  
22 medical services such AS a doctor, a nurse, a

1 Q. And was your wife in the hospital for  
2 this?

3 A. In the [REDACTED] at the hospital, yes.

4 Q. Was she an in-patient at this time?

5 A. I don't think so.

6 Q. Can you identify any Track 2 drugs on this  
7 page?

8 A. No.

9 Q. Reverend, do you know if you have paid for  
10 any Track 2 drugs?

11 A. No.

12 Q. Do you know whether every medical provider  
13 that your wife has seen charges the same amount for  
14 a particular service?

15 A. No.

16 Q. Do you know whether different providers  
17 and different insurance companies charge or  
18 reimburse the same for the same services?

19 MR. GEORGE: Objection. You mean in his  
20 experience?

21 MS. GEISLER: Yes, in his experience.

22 MR. GEORGE: Also, I'll give you a little



1 that are assigned to. You mean the particular drugs  
2 that his wife took?

3 BY MS. GEISLER:

4 Q. Yes. The Track 2 drugs that your wife  
5 took, do you have any personal knowledge of the  
6 manufacturer of any of those drugs?

7 A. No.

8 MS. FIORENTINOS: Was there an answer? We  
9 haven't heard.

10 MS. GEISLER: He said no.

11 MS. FIORENTINOS: Thank you.

12 BY MS. GEISLER:

13 Q. Do you know if the charges for any of the  
14 drugs listed in paragraph 15 was based on AWP?

15 MR. GEORGE: Objection. You can answer as  
16 much as it relates to Track 2.

17 THE WITNESS: No, I don't.

18 BY MS. GEISLER:

19 Q. The drugs that are listed in paragraph 15,  
20 do you know what those drugs are used for?

21 MR. GEORGE: Same objection. Same  
22 instruction to the witness, Track 2 only.

1 BY MS. BUTLER:

2 Q. Are you aware -- or has your wife taken  
3 any drugs manufactured by Watson?

4 A. I don't know.

5 MS. BUTLER: Thank you.

6

7 EXAMINATION

8 BY MR. MCCULLOCH:

9 Q. Mr. Aaronson, I was just wondering if you  
10 have any knowledge that your wife has taken any  
11 drugs manufactured by Pharmacia or Pfizer?

12 A. I don't know.

13 MR. MCCULLOCH: Thank you.

14

15 EXAMINATION

16 BY MS. HEARD:

17 Q. Do you know if your wife has taken any  
18 medication manufactured by Baxter?

19 A. I don't know.

20 MS. HEARD: Thank you.

21

22 EXAMINATION